

NEVADA DEPARTMENT OF CORRECTIONS	SERIES 300 PERSONNEL	SUPERSEDES: AR 308 (02/01/90)
ADMINISTRATIVE REGULATIONS MANUAL	ADMINISTRATIVE REGULATION 308 DEPARTMENT STAFF AND APPLICANT RECORDS TEMP	EFFECTIVE DATE: 04/24/03

TABLE OF CONTENTS

	<u>PURPOSE</u>	
	<u>AUTHORITY</u>	
	<u>RESPONSIBILITY</u>	
	<u>DEFINITIONS</u>	
	<u>APPLICABILITY</u>	
	<u>PROCEDURES</u>	
<u>308.01</u>	PERSONNEL RECORDS	
<u>308.02</u>	MEDICAL RECORDS	
<u>308.03</u>	EMPLOYEE DEVELOPMENT TRAINING RECORDS	
<u>308.04</u>	WORKERS' COMPENSATION RECORDS	
<u>308.05</u>	SUPERVISORY RECORDS	
<u>308.06</u>	ALCOHOL AND DRUG TESTING RECORDS	
<u>308.07</u>	PAYROLL RECORDS	
<u>308.08</u>	RECRUITMENT RECORDS	
	<u>REFERENCES</u>	
	<u>ATTACHMENTS</u>	
	<u>MANDATORY REVIEW DATE</u>	<u>04/24/04</u>

PURPOSE

To establish guidelines for access, maintenance and control of records maintained by the Department, such as Personnel Files, Medical Files, Training Files, Supervisory Files, Alcohol and Drug Test Files, Workers' Compensation Files, and Payroll Files.

To ensure the right of privacy of each employee is maintained.

AUTHORITY

NRS 209.131
NRS 284.105

NRS 284.406
NRS 284.407
NRS 284.4068, 11.190 (3)(d)
NAC 284.718, 284.726, 284.730
NRS 613.075
NRS 629.061
NAC 239.722
OSHA
State of Nevada Records Retention Schedule

RESPONSIBILITY

It shall be the responsibility of the Department Personnel Officer to ensure maintenance of adequate records for each employee, former employee, and applicant, ensure the confidentiality of those records, and to provide access to authorized personnel.

It shall be the responsibility of the EEO and Professional Development Officer to ensure proper supervision and maintenance of the EEO Investigative Records, and Employee Development Training Records.

DEFINITIONS

APPOINTING AUTHORITIES – Individuals to whom the Director has delegated authority to recommend and implement personnel actions. Appointing authorities may include Assistant Directors, Medical Director, Wardens, and Administrator Mental Health and Program Services.

CHECK OUT CARDS – A card used to indicate removal of a file from its assigned place in the Department Personnel Division.

DEPARTMENT PERSONNEL DIVISION – The Personnel Division within the Nevada Department of Corrections.

DEPARTMENT PERSONNEL OFFICER – The administrative officer in charge of the Department's Personnel Division. The Department Personnel Officer is the designated Custodian of Records for Personnel, Payroll, Medical, Workers' Compensation, Alcohol and Drug Testing, and Recruitment Records.

DIVISION HEAD – Division Heads include those individuals responsible for the major divisions of the Department; such as Personnel, EEO, Professional Development Officer, Inmate Services, Fiscal, Inspector Generals Office, Procurement, Accounting, Offender Management, Stores, and Medical.

EMPLOYEE INSTITUTIONAL SUPERVISORY RECORD – The file maintained by the supervisor on current employees within their area of responsibility.

EEO AND PROFESSIONAL DEVELOPMENT OFFICER – The Department Equal Opportunity Officer as designated by the Director. The EEO and Professional Development Officer is the designated Custodian of Records for EEO, Employee Development and Employee Relations.

MEDICAL RECORD – The file maintained in the Department Personnel Division in Carson City, for applicants, current and former employees.

OFFICIAL DEPARTMENT PERSONNEL RECORD – The Personnel file located in the Department Personnel Division in Carson City, for current and former employees.

PAYROLL RECORD – The files maintained in the Department Personnel Division in Carson City concerning leave and compensation on current and former employees.

RECRUITMENT RECORD – The file maintained by the Department Personnel Division Regional Recruiters containing all matters pertaining to recruitment.

SUPERVISOR – An employee of the Department that provides supervision and has first line supervisory authority, and are responsible for the performance and evaluation of subordinate employees. These employees are within the direct chain of supervision, scope and authority.

WORKERS' COMP RECORD – The file maintained by the Department Personnel Division Loss Control Coordinator containing all matters concerning employee workers' compensation claims.

APPLICABILITY

This regulation applies to all classified and unclassified employees of the Department.

PROCEDURES

308.01 PERSONNEL RECORDS

1.1.1 The following Department staff are authorized to remove personnel files from the Department Personnel Division.

- Director;
- Assistant Directors;
- Wardens;
- Department Personnel Division Staff;

- Attorney Generals Office;
- Inspector General Staff;
- Medical Director; and
- Equal Employment Opportunity Staff.

1.2 Records within this series will be considered confidential pursuant to NAC 284.718.

1.3 Access to confidential records is governed by NAC 284.726

1.4 A check out card must be completed prior to removing a file.

1.5 The signing for a file is acknowledgement and acceptance of full responsibility for the security of the file and confidentiality of the information therein.

1.6 Files will only be shown or disclosed to authorized personnel and the right to privacy of each employee shall be respected and maintained.

1.7 Supervisors may review personnel files of the employees they directly supervise in the Department Personnel Division.

1.8 Each former or current Department employee has the right to review their own files in the Department Personnel Division during normal business hours. **(3-4066)**

1.8.1 The files cannot be removed from the Personnel office.

1.8.2 Changes, modifications, corrections or removal/insertion of information or materials are prohibited.

1.9 Any paperwork placed in an employee's Personnel file must be signed or acknowledged by that employee.

1.10 Bonafide law enforcement officials, or representatives of the employee, must present a signed authorization for release of information from the specified employee. Such inspection shall be conducted in the Department Personnel office during normal business hours.

1.11 Copies of files will be requested in writing. Applicable copying charges may apply.

1.12 The Department shall not maintain a secret record of employment regarding an employee.

1.13 An employee may request to amend, in writing, any information in their files which they believe is inaccurate, irrelevant, untimely, or incomplete. Requests must be directed

to the Warden/Division Head. The Warden/Division Head will then review the request and make a recommendation to the designated Appointing Authority. **(3-4066)**

1.13.1 The Department will prepare a statement outlining the reason for denial of the request to amend.

1.13.2 If the employee's request to amend records is denied, the employee may file a statement of disagreement.

1.13.3 Both statements shall be filed with the contested information in the Department Personnel file.

1.14 When an employee terminates employment with the Department, the employee's official personnel file will be maintained by the Department Personnel Division, pursuant to the State of Nevada Records Retention Schedule.

1.15 Any request for information pertaining to former employees must be forwarded to the Department Personnel Division to process as the official records keeper.

1.16 Departmental staff providing erroneous or damaging information may be liable for their actions, and may be subject to disciplinary action.

1.17 The file may contain: **(3-4065)**

- Insurance records;
- Disciplinary records;
- Corrective documents shall be maintained in the supervisory file, unless subsequently utilized for progressive discipline, then they shall be included in the official Department Personnel file.
- Work Performance Standards;
- Employee Appraisals;
- Employment verification documents;
- Job applications;
- Retirement documents;
- Letters of commendation; and

- Various Federal and State forms.

1.18 Satellite personnel offices in Lovelock, Ely, and the South shall maintain a regional personnel-working file on each active Department employee, currently employed in that area.

- Upon the termination of the employee the file shall be destroyed.

308.02 MEDICAL RECORDS

1.1 Medical files are strictly confidential and can only be accessed by Department Personnel Division staff, by written consent of the employee, or by court order.

1.2 Medical files shall be maintained only in the Department Personnel Division in Carson City.

1.3 Information concerning the health, medical condition or disability of an employee shall be maintained separately from personnel files in a secure cabinet. **(3-4065)**

1.4 All records related to medical physical examinations shall be maintained in this file.

1.5 Each Department employee has the right to review their own files in the Department Personnel Division during normal business hours.

1.5.1 The files cannot be removed from the Personnel office.

1.5.2 Changes, modifications, corrections or removal/insertion of information or materials are prohibited. **(3-4066)**

1.6 Access to these records can only occur with a signed authorization for release of information from the specified employee. Such inspection shall be conducted in the Department Personnel Division during normal business hours.

1.7 When an employee terminates employment with the Department, these files shall be maintained by the Department Personnel Division, pursuant to the State of Nevada Records Retention Schedule.

308.03 EMPLOYEE DEVELOPMENT TRAINING RECORDS

1.1 The following Department staff has been authorized to remove Training files from the Department Personnel Division:

- Director;
- Assistant Directors;

- Wardens;
- Department Personnel Division Staff;
- Attorney Generals Staff;
- Inspector General Staff;
- Medical Director; and
- Equal Employment Opportunity Staff.

1.2 Files will only be shown or disclosed to authorized personnel and the right to privacy of each employee shall be respected and maintained.

1.3 Each Department Employee has the right to review their own files during normal business hours.

- Changes, modifications, corrections or removal/insertion of information or materials is prohibited. **(3-4066)**

1.4 Training records consist of documentation which chronicles each employee's training activity including requests for training, the Department of Personnel training form (TR-17) or the Department of Corrections training form (DOC-1020), on the job training form, pre-service assignment sheets, pre and post service tests, weapons and all range qualification scores, certificates (copies) transcripts and related correspondence.

308.04 WORKERS' COMPENSATION RECORDS

1.1 The following Department staff have been authorized to remove workers' compensation files from the Department Personnel Division:

- Agency Loss Control Coordinator;
- Personnel Officers II and III; and
- Attorney General's office.

1.2 A checkout card must be completed prior to removing a file.

1.3 These records are considered confidential and can only be accessed pursuant to NAC 284.726.

1.4 The signing for a file is acknowledgement and acceptance of full responsibility for the security of the file and maintenance of confidentiality of the information therein.

1.5 Files will only be shown or disclosed to authorized personnel and the right to privacy of the injured workers' medical records shall be respected and maintained.

1.6 All claimants have the privilege to review their own file in the Department Personnel Division in Carson City during normal business hours. Neither the file nor the contents are to be removed from the premises.

1.7. A signed C-4, Employer's Report of Industrial Injury or Occupational Disease, by the employee is authorization for release and exchange of medical information or benefits pertinent to the injury or occupational disease to the following:

- Physicians, chiropractors, surgeons, or practitioners;
- Hospitals, or medical service organizations; and
- Insurance company.

1.7.1 Excluding information relative to diagnosis, treatment and/or counseling for psychological conditions, alcohol, or controlled substances, for which the injured worker must provide specific authorization.

1.8 Representatives of the injured worker may make requests through the insurer to obtain copies of the workers' compensation file.

1.9 Requests by supervisors to obtain current injury-related restrictions may be made to the Agency Loss Control Coordinator.

1.10 Records for terminated or deceased employees with work-related injuries/illnesses are purged from the active records by the Agency Loss Control Coordinator, documented, and relocated to the agency Inspector General's Evidence Room and securely maintained. key.

1.11 These records are maintained by the agency for the duration of the employment plus 30 years. (CFR 1910. (d)(i)).

308.05 SUPERVISORY RECORDS

1.1 Access to supervisory files is limited to the employee, employee's representative with a signed authorization, the Appointing Authority, Department Personnel Officer, the Board of Examiners, or pursuant to a court order.

1.2 This record series is used by the supervisor in the process of work performance evaluation,

and other supervisory responsibilities.

1.3 Information contained in the supervisory records, which is considered confidential, are governed by NAC 284.718, 284.726.

1.4 These files may contain the following:

- Employment application;
- Work performance standards;
- Employee appraisals and evaluations;
- Specificity of charges;
- Formal grievances;
- Response to formal grievance;
- Written reprimand;
- Letters of complaint;
- Letters of commendation;
- Letters of instruction;
- Notes on oral warnings;
- Notes on meetings with employee;
- Time sheets;
- Work samples;
- Correspondence;
- Memos; and
- Other related documents.

1.5 An employee must be given a reasonable opportunity during usual business hours, to inspect any records kept by the employer, or be furnished with a copy of those records. Refer to NRS 613.075 for exceptions. **(3-4066)**

1.6 Supervisors may not maintain a secret file regarding an employee. Any entry to this file must be signed or acknowledged by employee.

1.7 Records may be destroyed when no longer necessary or at the discretion of the supervisor.

1.7.1 Destruction of the files must be accomplished in a secure manner.

308.06 ALCOHOLS AND DRUG TESTING RECORDS

1.1 These records may only be accessed by the Director or designated representative.

1.2 These records must be maintained separately in a secured cabinet non-accessible to other employees.

1.3 This record series contains information declared by law to be confidential per NRS 284.4068

1.4 The Department Personnel Division shall be responsible for maintaining alcohol and drug testing records.

1.5 Records may contain copies of the following documents:

- Acknowledgement of employee's receipt of the State's policy concerning drugs and alcohol (TS-58);
- Alcohol/drug test consent form (TS-76);
- Report form for suspected alcohol/drug impairment (TS-77);
- Breath test request form (TS-69);
- Laboratory report forms with results of tests; and
- Any other pertinent documentation.

1.6 Department Personnel Division shall maintain records pursuant to the State of Nevada Records Retention Schedule. Destruction of these records must be accomplished in a secure manner.

308.07 PAYROLL RECORDS

1.1 Appointing Authorities and Division Heads are authorized to remove payroll related files from the Payroll office.

1.2 Confidential information contained in the payroll records are governed by NAC 284.718 and NAC 284.726.

1.3 A check out card must be completed prior to removing a file.

1.4 The signing for a file is acknowledgement and acceptance of full responsibility for the security of file and confidentiality therein.

1.5 Files will only be shown or disclosed to authorized personnel and the right to privacy of each employee shall be respected and maintained.

1.6 All staff members have the privilege to review their own file in the Payroll office during normal business hours. They may not be removed from the Payroll office. **(3-4066)**

1.7.1 Requests for information concerning an employee's payroll history by any person other than the employee, the Appointing Authority, or the Division Head must be accompanied by a signed authorization for release of information from the employee. Applicable copying charges may apply for copies of reports or documents.

1.8 The Department shall not maintain a secret record of payroll history or activity regarding an employee.

1.9 Records maintained in the payroll office shall include:

- Timesheets;
- Payroll Registers;
- Family and Medical Leave Act files;
- Catastrophic Leave files;
- Workers' Compensation files;
- Uniform Allowance files;
- Longevity files; and
- Employee Adjusting Document files.

1.10 The Department's Personnel Division in Carson City maintains Payroll records pursuant to the State of Nevada Records Retention Schedule.

308.08 RECRUITMENT RECORDS

1.1.1 Recruitment files may be viewed by the following authorized personnel:

- Director;
- Assistant Directors;
- Inspector General Staff;
- Personnel staff;
- Attorney Generals office; and
- Equal Employment Opportunity staff.

1.2 Confidential information contained in the recruitment records are governed by NAC 284.718 and 284.726

1.3 A recruitment file is prepared and opened upon approval to fill a vacant position for all classified and unclassified positions.

1.4 The recruitment file should be labeled, i.e. class title, budget account, position number, and the opening and closing date of announcement if applicable, along with the incumbent's name and hire date.

1.5 The file should contain all documentation pertaining to the recruitment:

- Copy of approved justification;
- Approved selective criteria memo if applicable;
- NPD-3 Request for Recruitment;
- Employers Insurance Company of Nevada layoff list if applicable;
- Certified eligible list coded if applicable;
- Announcement if applicable;

- Personnel hiring packet submitted by Division and approved by Personnel Division, is to include applications, EEO/Interview form, rating sheets, letters of notification to applicants, interview questions, and divisional recommendation memo; and
- Any other documentation pertaining to recruitment activity

1.6 Closed recruitment files are to be placed alphabetically per class title and maintained by the personnel recruiter by calendar year.

1.7 Recruitment records are maintained pursuant to the State of Nevada Records Retention Schedule.

REFERENCES

ACA Standards 3-4065, and 3-4066

ATTACHMENTS

None.

Jackie Crawford, Director

Date

CONFIDENTIAL XX
 Yes No

THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.